

HOUSE BILL NO. 186

INTRODUCED BY BERGREN

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT REGULATING THE OPERATION OF VARIOUS TYPES OF VEHICLES; DEFINING "MOTORIZED NONSTANDARD VEHICLE" AND "ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE"; PROHIBITING THE OPERATION OF MOTORIZED NONSTANDARD VEHICLES ON CERTAIN HIGHWAYS, COUNTY ROADS, AND STREETS WAYS OF THIS STATE OPEN TO THE PUBLIC UNLESS AUTHORIZED BY THE LOCAL GOVERNING BODY; AUTHORIZING THE OPERATION OF ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES ON CERTAIN SIDEWALKS, ROADS, AND STREETS; REVISING THE DEFINITIONS OF "MOTOR VEHICLE", "MOTORCYCLE", AND "MOTOR-DRIVEN CYCLE", ~~AND "BICYCLE"~~; ALLOWING THE DEPARTMENT OF JUSTICE TO ADOPT RULES THAT CREATE SEPARATE CATEGORIES OF MOTORCYCLE ENDORSEMENTS; CLARIFYING THAT LOCAL AUTHORITIES MAY REGULATE MOTORIZED NONSTANDARD VEHICLES ON SIDEWALKS, STREETS, AND HIGHWAYS UNDER THEIR JURISDICTION; AMENDING SECTIONS 33-23-204, 61-1-102, 61-1-105, 61-1-106, ~~61-1-123, 61-5-125, 61-8-605,~~ AND 61-12-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Motorized nonstandard vehicle.** (1) "Motorized nonstandard vehicle" means a vehicle, upon or by which a person may be transported, that:

~~(A) WAS MANUFACTURED IN ONE STAGE;~~

~~(B)(A) is propelled by its own power, using an internal combustion engine or an electric motor; and that~~
~~—— (a) is designed for use in a controlled environment or track and is not designed for use on a public highway, roadway, or street; and~~

~~—— (b); AND~~

(B) HAS A WHEELBASE OF LESS THAN 40 INCHES AND A WHEEL DIAMETER OF LESS THAN 10 INCHES; AND

(C) does not display a manufacturer's certification in accordance with 49 CFR, part 567, or have a 17-character vehicle identification number assigned by the manufacturer in accordance with ~~40~~ 49 CFR, part 565.

(2) The term includes but is not limited to a motorized skateboard; ~~AND a vehicle commonly known as a "pocket rocket"; a self-balancing electric personal vehicle, a golf cart, and a riding lawnmower.~~

(3) The term does not include ~~A VEHICLE MANUFACTURED BEFORE 1980, special mobile equipment, as defined in 61-1-104, an implement of husbandry, as defined in 61-1-121, a quadricycle, as defined in 61-1-133, AN ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE, AS DEFINED IN [SECTION 2], or a motorized wheelchair or other~~ low-powered, mechanically propelled vehicle designed specifically for use by a physically disabled person.

NEW SECTION. SECTION 2. ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE. "ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE" MEANS A DEVICE THAT HAS TWO NONTANDEM WHEELS, IS SELF-BALANCING, AND IS DESIGNED TO TRANSPORT ONLY ONE PERSON WITH AN ELECTRIC PROPULSION SYSTEM THAT LIMITS THE MAXIMUM SPEED OF THE DEVICE TO 12 1/2 MILES AN HOUR.

NEW SECTION. SECTION 3. Unlawful operation of motorized nonstandard vehicle -- exception.
A person may not operate a motorized nonstandard vehicle on:
—— (1) ~~a controlled-access highway, as defined in 60-5-102, or a state highway, as defined in 60-1-103; or~~
—— (2) ~~a county road or street of a city or town~~ WAYS OF THIS STATE OPEN TO THE PUBLIC unless the operation is specifically authorized by ordinance or regulation passed by the local governing body of the county, city, or town FOR A PUBLIC WAY UNDER ITS JURISDICTION.

NEW SECTION. SECTION 4. AUTHORIZED OPERATION OF ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES.
ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES, AS DEFINED IN [SECTION 2], ARE PERMITTED TO OPERATE ON SIDEWALKS, UNLESS THEY ARE PROHIBITED BY OFFICIAL TRAFFIC CONTROL DEVICES, ON BIKE PATHS, AND ON ROADS AND STREETS THAT HAVE A SPEED LIMIT OF 35 MILES AN HOUR OR LESS.

Section 5. Section 33-23-204, MCA, is amended to read:

"33-23-204. Definitions. As used in this part, the following definitions apply:

(1) (a) "Motor vehicle" means a vehicle propelled by its own power and designed primarily to transport persons or property upon the highways of the state.

(b) The term does not include a ~~bicycle as defined in 61-1-123~~ BICYCLE, AS DEFINED IN 61-1-123, AN ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE, AS DEFINED IN [SECTION 2], AND A motorized nonstandard vehicle,

1 as defined in [section 1].

2 (2) "Motor vehicle liability policy" means a policy of automobile or motor vehicle insurance against
3 liability required under Title 61, chapter 6, parts 1 and 3, and all additional coverages included in or added to
4 the policy by rider, endorsement, or otherwise, whether or not required under Title 61, including, without
5 limitation, uninsured, underinsured, and medical payment coverages."

6

7 **Section 6.** Section 61-1-102, MCA, is amended to read:

8 **"61-1-102. Motor vehicle.** (1) "Motor vehicle":

9 (a) means a vehicle propelled by its own power and designed ~~or used~~ to transport persons or property
10 upon the highways of the state;

11 (b) for the purpose of chapter 3, includes trailers and semitrailers;

12 (c) for the purpose of chapter 3, parts 1 and 2, includes campers, as defined in 61-1-129, motorboats
13 and personal watercraft, as defined in 23-2-502, sailboats, as defined in 23-2-502, that are 12 feet in length or
14 longer, and snowmobiles, as defined in 23-2-601.

15 (2) The term does not include a ~~bicycle as defined in 61-1-123~~ BICYCLE, AS DEFINED IN 61-1-123, AN
16 ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE, AS DEFINED IN [SECTION 2], AND A motorized nonstandard vehicle,
17 as defined in [section 1]."

18

19 **Section 7.** Section 61-1-105, MCA, is amended to read:

20 **"61-1-105. Motorcycle.** (1) "Motorcycle" means a motor vehicle having ~~not more than three wheels in~~
21 ~~contact with the ground and a saddle on which the operator sits or a platform on which he stands and a driving~~
22 ~~wheel in contact with the ground in addition to the wheels of the vehicle itself~~ a seat or saddle for the use of the
23 rider and designed to travel on not more than three wheels in contact with the ground.

24 (2) A motorcycle may carry one or more attachments and a seat for the conveyance of a passenger.

25 (3) The term does not include a tractor, ~~or a bicycle as defined in 61-1-123~~ a motorized nonstandard
26 vehicle, as defined in [section 1], or a two- or three-wheeled all-terrain vehicle that is used exclusively on private
27 property."

28

29 **Section 8.** Section 61-1-106, MCA, is amended to read:

30 **"61-1-106. Motor-driven cycle.** (1) "Motor-driven cycle" means ~~every~~ a motorcycle, including ~~every~~ a

motor scooter, with a motor ~~which produces not to exceed 5 horsepower~~ that produces five-brake horsepower
~~and that meets applicable federal motor vehicle safety standards for a motor-driven cycle as provided in 49 CFR,~~
~~part 571 OR LESS. The term does not include a bicycle as defined in 61-1-123.~~

(2) The term does not include a motorized nonstandard vehicle, as defined in [section 1]."

~~Section 7. Section 61-1-123, MCA, is amended to read:~~

~~"61-1-123. Bicycle. "Bicycle" means:~~

~~(1) every a vehicle propelled solely by human power upon which any person may ride, having two
tandem wheels and a seat height of more than 25 inches from the ground when the seat is raised to its highest
position, except scooters and similar devices; or~~

~~(2) every vehicle equipped with two or three wheels, foot pedals to permit muscular propulsion and an
independent power source providing a maximum of 2 brake horsepower. If a combustion engine is used, the
maximum piston or rotor displacement may not exceed 3.05 cubic inches (50 centimeters) regardless of the
number of chambers in the power source. The power source must not be capable of propelling the device,
unassisted, at a speed exceeding 30 miles an hour (48.28 kilometers an hour) on a level surface. The device
must be equipped with a power drive system that functions directly or automatically only and does not require
clutching or shifting by the operator after the drive system is engaged."~~

~~Section 8. Section 61-5-125, MCA, is amended to read:~~

~~"61-5-125. Authority of department -- rulemaking authority. (1) The department shall administer and
enforce the provisions of this chapter.~~

~~(2) The department shall adopt rules setting standards to govern driver's license examinations and
reexaminations. The rules:~~

~~(a) must specifically address the functional abilities and skills required for a person to exercise ordinary
and reasonable control in the safe operation of a motor vehicle on a highway;~~

~~(b) must include minimum uncorrected or corrected visual acuity requirements for both unrestricted and
restricted licensure and may include minimum field of vision and depth perception requirements and hearing
requirements for unrestricted and restricted licensure;~~

~~(c) may direct the design of one or more types of skills tests to assess an applicant's or licensee's ability
to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the highway. A skills test~~

1 may consist of:

2 ~~—— (i) a comprehensive assessment of a person's functional abilities by means of an actual demonstration~~
3 ~~of the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle; or~~

4 ~~—— (ii) a more limited assessment of a person's functional abilities, conducted at the discretion of the~~
5 ~~department, as related to a specific physical or mental condition or conditions or a request for reexamination;;~~

6 ~~—— (d) must include operational restrictions based upon the visual acuity of an applicant or licensee;~~

7 ~~—— (e) may take into consideration any nationally recognized standards or recommended practices for~~
8 ~~assessment of a person's ability to exercise ordinary and reasonable control in the safe operation of a motor~~
9 ~~vehicle on the highway;~~

10 ~~—— (f) must include appropriate licensing criteria relating to the use of adaptive equipment or operational~~
11 ~~limits that can be readily discerned by law enforcement or a licensing agency in another jurisdiction;~~

12 ~~—— (g) may be derived from medical guidelines and information compiled by driver licensing medical~~
13 ~~advisory or review boards from other jurisdictions, as well as information received from advocacy groups for~~
14 ~~persons with disabilities and senior citizens; and~~

15 ~~—— (h) except as provided in 61-5-105, may not use a person's age or physical or mental disability,~~
16 ~~limitation, or condition as a justification for denial of a license; and~~

17 ~~—— (i) may create separate categories of motorcycle endorsements, based on engine displacement, for~~
18 ~~motorcycles and motor-driven cycles.~~

19 ~~—— (3) The department may adopt additional rules governing:~~

20 ~~—— (a) acceptable methods of proof of identification that must be supplied by a person upon application for~~
21 ~~or renewal of a driver's license;~~

22 ~~—— (b) issuance of a hardship license to an underage applicant;~~

23 ~~—— (c) the cancellation of a driver's license upon receipt of an insufficient funds check in payment of license~~
24 ~~fees;~~

25 ~~—— (d) circumstances under which the department may issue a probationary license to a person whose~~
26 ~~license has been suspended or revoked or a person whose license is subject to a discretionary suspension or~~
27 ~~revocation;~~

28 ~~—— (e) restrictions to be imposed upon a probationary license;~~

29 ~~—— (f) renewal of a driver's license by a person in the military assigned to active duty who had a valid~~
30 ~~Montana driver's license at the time of entering active duty; and~~

1 ~~_____ (g) issuance of a duplicate driver's license."~~

2
3 ~~_____ **Section 9.** Section 61-8-605, MCA, is amended to read:~~

4 ~~_____ **"61-8-605. Riding on roadways.** (1) As used in this section, "roadway" means that portion of a highway~~
5 ~~improved, designed, or ordinarily used for vehicular travel, including the paved shoulder.~~

6 ~~_____ (2) A person operating a bicycle upon a roadway at less than the normal speed of traffic at the time and~~
7 ~~place and under the conditions then existing shall ride as near to the right side of the roadway as practicable~~
8 ~~except when:~~

9 ~~_____ (a) overtaking and passing another vehicle proceeding in the same direction;~~

10 ~~_____ (b) preparing for a left turn at an intersection or into a private road or driveway; or~~

11 ~~_____ (c) necessary to avoid a condition that makes it unsafe to continue along the right side of the roadway;~~
12 ~~including but not limited to a fixed or moving object, parked or moving vehicle, pedestrian, animal, surface~~
13 ~~hazard, or a lane that is too narrow for a bicycle and another vehicle to travel safely side by side within the lane.~~

14 ~~_____ (3) A person operating a bicycle upon a one-way highway with two or more marked traffic lanes may~~
15 ~~ride as close to the left side of the roadway as practicable.~~

16 ~~_____ (4) Persons riding bicycles upon a roadway shall ride in single file except when:~~

17 ~~_____ (a) riding on paths or parts of roadways set aside for the exclusive use of bicycles;~~

18 ~~_____ (b) overtaking and passing another bicycle;~~

19 ~~_____ (c) riding on a paved shoulder or in a parking lane, in which case the persons may ride two abreast; or~~

20 ~~_____ (d) riding within a single lane on a laned roadway with at least two lanes in each direction, in which case~~
21 ~~the persons may ride two abreast if they do not impede the normal and reasonable movement of traffic more~~
22 ~~than they would otherwise impede traffic by riding single file and in accordance with the provisions of this~~
23 ~~chapter.~~

24 ~~_____ (5) A bicycle, as defined in 61-1-123(2), is excluded from the provisions of subsections (2) and (3)."~~

25
26 **Section 9.** Section 61-12-101, MCA, is amended to read:

27 **"61-12-101. Powers of local authorities to regulate traffic.** The provisions of ~~chapter~~ chapters 8 and
28 ~~chapter 9 shall not be deemed to~~ do not prevent local authorities with respect to sidewalks, streets, and
29 highways under their jurisdiction and within the reasonable exercise of the police power from:

30 (1) regulating the standing or parking of vehicles;

- (2) regulating the traffic by means of police officers or traffic control devices;
- (3) regulating or prohibiting processions or assemblages on the highways;
- (4) designating particular highways as one-way highways and requiring that all vehicles ~~thereon~~ on those highways be moved in one specific direction;
- (5) regulating the speed of vehicles in public parks;
- (6) designating any highway as a through highway and requiring that all ~~the~~ vehicles stop before entering or crossing ~~the same~~, a through highway and designating any intersection as a stop intersection; and requiring all vehicles to stop at one or more entrances to ~~such~~ stop intersections;
- (7) restricting the use of highways as authorized in 61-10-128(2);
- (8) regulating the operation of bicycles and requiring the registration and licensing of ~~same~~ bicycles, including ~~the requirement of requiring~~ a registration fee;
- (9) regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections;
- (10) altering the speed limits as authorized ~~herein~~ in Title 7, chapter 14, and Title 61, chapter 8;
- (11) regulating the ~~driving operating~~ of ~~vehicles~~ a vehicle by ~~any~~ a person who is ~~an~~ a habitual user of or under the influence of any narcotic drug or who is under the influence of any other drug to a degree ~~which~~ that renders ~~him~~ the person incapable of safely ~~driving operating~~ a vehicle within the incorporated limits of any city or town;
- (12) regulating or prohibiting ~~any~~ a person who is under the influence of intoxicating liquor from ~~driving operating~~ or being in actual physical control of ~~any~~ a vehicle within the incorporated limits of ~~any~~ a city or town;
- (13) regulating or prohibiting the ~~driving of vehicles~~ operation of a vehicle by ~~any~~ a person in ~~a~~ willful or wanton disregard for the safety of persons or property within the incorporated limits of ~~any~~ a city or town;
- (14) enacting as ordinances any ~~and all~~ provisions of chapter 8 or ~~chapter~~ 9 and any ~~and all~~ other laws regulating traffic, pedestrians, vehicles, and operators ~~thereof~~ of vehicles, not in conflict with state law or federal regulations and to enforce the ~~same within their jurisdiction~~ ordinances; and
- (15) regulating the operation of motorized nonstandard vehicles, as defined in [section 1], on sidewalks, streets, and highways."

NEW SECTION. Section 10. Codification instruction. (1) ~~[Section~~ SECTIONS 1 AND 2] ~~is~~ ARE intended to be codified as an integral part of Title 61, chapter 1, part 1, and the provisions of Title 61, chapter 1, part 1, apply to ~~[section~~ SECTIONS 1 AND 2].

(2) ~~[Section 2 SECTIONS 3 AND 4]~~ is ARE intended to be codified as an integral part of Title 61, chapter 8, part 3, and the provisions of Title 61, chapter 8, part 3, apply to ~~[section 2 SECTIONS 3 AND 4]~~.

COORDINATION SECTION. SECTION 11. COORDINATION INSTRUCTION. IF SENATE BILL NO. 285 AND [THIS ACT] ARE BOTH PASSED AND APPROVED, THEN [SECTION 1 OF THIS ACT] IS VOID, INTERNAL REFERENCES TO [SECTION 1] IN [THIS ACT] ARE CHANGED TO 61-1-101, AND THE FOLLOWING DEFINITION IS INSERTED INTO 61-1-101 AS AMENDED BY SENATE BILL NO. 285:

"(28) (a) "Motorized nonstandard vehicle" means a vehicle, upon or by which a person may be transported, that:

- (i) is propelled by its own power, using an internal combustion engine or an electric motor;
- (ii) has a wheelbase of less than 40 inches and a wheel diameter of less than 10 inches; and
- (iii) does not display a manufacturer's certification in accordance with 49 CFR, part 567, or have a 17-character vehicle identification number assigned by the manufacturer in accordance with 49 CFR, part 565.

(b) The term includes but is not limited to a motorized skateboard and a vehicle commonly known as a "pocket rocket".

(c) The term does not include an electric personal assistive mobility device or a motorized wheelchair or other low-powered, mechanically propelled vehicle designed specifically for use by a physically disabled person."

COORDINATION SECTION. SECTION 12. COORDINATION INSTRUCTION. IF SENATE BILL NO. 285 AND [THIS ACT] ARE BOTH PASSED AND APPROVED, THEN [SECTION 2 OF THIS ACT] IS VOID, INTERNAL REFERENCES TO [SECTION 2] IN [THIS ACT] ARE CHANGED TO 61-1-101, AND THE FOLLOWING DEFINITION IS INSERTED INTO 61-1-101 AS AMENDED BY SENATE BILL NO. 285:

"(13) "Electric personal assistive mobility device" means a device that has two nontandem wheels, is self-balancing, and is designed to transport only one person with an electric propulsion system that limits the maximum speed of the device to 12 1/2 miles an hour."

COORDINATION SECTION. SECTION 13. COORDINATION INSTRUCTION. IF SENATE BILL NO. 285 AND [THIS ACT] ARE BOTH PASSED AND APPROVED, THEN SUBSECTION (B) OF THE DEFINITION OF "MOTORCYCLE" IN 61-1-101 AS AMENDED BY SENATE BILL NO. 285 READS:

1 "(b) The term does not include a tractor, a bicycle as defined in 61-8-102, a motorized nonstandard
2 vehicle, or a two- or three-wheeled all-terrain vehicle that is used exclusively on private property."

3
4 COORDINATION SECTION. SECTION 14. COORDINATION INSTRUCTION. IF SENATE BILL NO. 285 AND [THIS
5 ACT] ARE BOTH PASSED AND APPROVED, THEN SUBSECTION (B) OF THE DEFINITION OF "MOTOR-DRIVEN CYCLE" IN
6 61-1-101 AS AMENDED BY SENATE BILL NO. 285 READS:

7 "(b) The term does not include a bicycle as defined in 61-8-102 or a motorized nonstandard vehicle."

8
9 NEW SECTION. Section 15. Effective date. [This act] is effective on passage and approval.

10 - END -